

## 4.11 ENVIRONMENTAL JUSTICE

### 4.11.1 Background

On February 11, 1994, President Clinton issued an "Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in programs and projects substantially affecting human health and the environment (White House, 1994). The order requires the U.S. Environmental Protection Agency (EPA) and all other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

In 1997, the U.S. EPA's Office of Environmental Justice released the *Environmental Justice Implementation Plan*, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order 12898. Federal agencies received a framework for the assessment of environmental justice in the EPA's *Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis* in 1998. This approach emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

While many state agencies have utilized the EPA's *Environmental Justice Implementation Plan* as a basis for the development of their own environmental justice strategies and policies, as of yet the majority of California state agencies do not have guidance for incorporation of environmental justice impact assessment into the CEQA analysis. The State Air Resources Board has, for example, examined this issue and has received advice from legal counsel, by a memorandum entitled "CEQA AND ENVIRONMENTAL JUSTICE". This memorandum states, in part, "For the reasons set forth below, we will conclude that the CEQA can readily be adapted to the task of analyzing cumulative impacts/environmental justice whenever a public agency (including the Air Resources Board (ARB), the air pollution control districts, and general purpose land use agencies) undertakes or permits a project or activity that may have a significant adverse impact on the physical environment. All public agencies in California are currently obliged to comply with the CEQA, and no further legislation would be needed to include an environmental justice analysis in the CEQA documents prepared for the discretionary actions public agencies undertake."

Under AB 1553, signed into law in October 2001, the Governor's Office of Planning and Research (OPR) is required to adopt guidelines for addressing environmental justice issues in local agencies' general plans. Currently, the OPR is in the process of updating the General Plan Guidelines to incorporate the requirements of AB 1553.

#### **4.11.2 California State Lands Commission Policy**

The California State Lands Commission (CSLC) has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, to ensure that “Environmental Justice is an essential consideration in the Commission’s processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities.” The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs which is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately impacted by the CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations. This discussion is provided in this document consistent with and in furtherance of the Commission’s Environmental Justice Policy. The staff of the CSLC is required to report back to the Commission on how environmental justice is integrated into its programs, processes, and activities (CSLC, 2002).

#### **4.11.3 Project Environmental Justice Impact Assessment**

The Proposed Project involves removal of offshore pier remnant structures and construction of bird roosting/nesting platforms. The project site is not located within or in close proximity to low income or minority neighborhoods<sup>1</sup>. Recreational use of the project vicinity, including onshore areas that have views of the project site, by low-income or minority populations may occur; however, persons of all economic strata have equal potential to use the area for such purposes. Therefore, no impact disproportionate to this demographic group would result.

The Proposed Project would involve temporary employment of construction personnel. These personnel are anticipated to utilize local accommodations such as hotels/motels. Housing would not be impacted; therefore, no relocation of persons would be required.

Based upon the factors presented above, the Proposed Project would not result in a significant environmental justice impact. Therefore, no mitigation is necessary.

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<sup>1</sup> There is no year 2000 census data for the City of Goleta. This statement is based upon field visitation of the land uses along the coast in the project area. Primary land uses in this area include a resort, golf course, open space and public beach.